

No.

200400074



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (34 Stat. 1435, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'95M80'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this tenth day of September, in the year two thousand and four.

Attest:



Commissioner
Plant Variety Protection Office
Agricultural Marketing Service



Secretary of Agriculture

Appendix 2. 10/768-427

BEST AVAILABLE COPY

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - QMS No. C581-0055

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (Instructions and information collection burden statement on reverse)		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995. Approval is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
1. NAME OF OWNER Pioneer Hi-Bred International, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME	3. VARIETY NAME DSM80
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 7300 N.W. 52nd Avenue P.O. Box 1004 Amesbury, IA 50431		5. TELEPHONE (include area code) 515-254-2636	FOR OFFICIAL USE ONLY 2004 00 074
		6. FAX (include area code) 515-253-2479	PLANTING DATE 1/24/2004
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION Iowa	9. DATE OF INCORPORATION May 8, 1926	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			FILING AND EXAMINATION FEES: \$ 3,652.00 DATE 4/29/2004 CERTIFICATION FEE: \$ 432.00 DATE 7/7/04
Darla Schmidt, Ph.D. 7300 N.W. 52nd Avenue P.O. Box 1004 Amesbury, IA 50131-1004 Steve Callahan, Esq. 7100 N.W. 52nd Avenue P.O. Box 1000 Johnston, IA 50131-1000			
11. TELEPHONE (include area code) 515-254-2636	12. FAX (include area code) 515-253-2479	13. E-MAIL darla.schmidt@pioneer.com	14. CROP KIND (Common Name) Soybean
A. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Future instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input type="checkbox"/> Exhibit B. Statement of Distinctness c. <input type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> A Viable Sample (2,500 viable uniform seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input type="checkbox"/> Filing and Examination Fee (\$2,769, made payable to "Treasurer of the United States" (Send to the Plant Variety Protection Office))		15. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 43(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (If "yes," attach Form 30 and 31 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)	
		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
		21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
16. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) (share) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) believe(s) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER Darla H. Schmidt		SIGNATURE OF OWNER	
NAME (Please print or type) Darla H. Schmidt		NAME (Please print or type)	
FACILITY OR TITLE Plant Technology Integration and Academic Outreach		FACILITY OR TITLE	
DATE 1-26-04		DATE	

Form Approved by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (2-2-95) which is obsolete.

(See reverse for instructions and information collection burden statement)

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INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unpaid. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. *Bring one copy for your files.* All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

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Plant Variety Protection Office
Telephone: (301) 504-5518
FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/plance/pvp/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
21. See Section 83 of the Act for the Contents and Term of Plant Variety Protection.
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.3 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeders Right or Patent).)

U.S. Patent 4,940,835 issued to Shah et al. as per the Roundup Ready Gene in this variety

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 208, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number for this collection of information is (0581-0202). This time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons who disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at (202) 720-1400 (voice and TDD). TDD is a toll-free number. USDA is an equal opportunity provider and employer.

ST-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces ST-470 (02-99) which is obsolete.

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Exhibit A. Origin and Breeding History of the Variety**Soybean Variety 95M80**

Variety 95M80 evolved from a cross made in the summer of 1997 in Mississippi with the following parentage:

Parentage: 95B33/YB54D

YB54D = A5979/90773

90773 = P9584/90688

90688 = A4715/G40-3P9392*

*G40-3P9392 is an experimental line with the Roundup Ready (40-3-2) gene

Variety 95M80 is an F3-derived line which was advanced to the F3 generation by modified single-seed descent. The F3 progeny row of 93M11 was grown in a progeny row yield trial the winter of 1999/2000 in Argentina. Subsequently, 95M80 has undergone five years of extensive testing and purification and has been observed by the breeder to be uniform and stable for all plant traits from generation to generation, with no evidence of variants. On the basis of yield, resistance to Race 3 Soybean Cyst Nematode, and resistance to Roundup labeled herbicides, variety 95M80 was assigned a commercial number.

The purification block was grown during the summer of 2001 in Arkansas and 71 sublines were harvested. An approximate one-fifth (0.2) acre increase was grown in Argentina in the winter of 2001/2002. Eighteen (18) acres of parent seedstock (foundation seed equivalent) were grown in 2002 and 745 acres of seedstock and production seed were grown in the summer of 2003.

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Exhibit B. Statement of Distinctness

Soybean Variety 95M80

Variety 95M80 is most similar to variety 95B97. Both varieties have purple flowers, imperfect black hila, gray pubescence, and resistance to Race 3 Soybean Cyst Nematode. However, 95M80 is resistance Roundup branded herbicides whereas 95B97 is susceptible to Roundup branded herbicides.

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326SW, Whitten Building, 1420 and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Soybean)

OBJECTIVE DESCRIPTION OF VARIETY
SOYBEAN (*Glycine max* (L.) Merr.)

NAME OF APPLICANT(S) Pioneer Hi-Bred International	FOR OFFICIAL USE ONLY 2004 00 074
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 7305 62nd Avenue P.O. Box 1004 Johnston, IA 50131-1004	VARIETY NAME P5M80
	TEMPORARY OR EXPERIMENTAL DESIGNATION

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in the first box (e.g.

9	9	9	0	9
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quantitative

plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal

Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used.

Please answer all questions for your variety; lack of response may delay progress of your application.

A. MORPHOLOGY

Seed Shape

1 = Spherical
(L/W, L/T, and T/W ratios < 1.2)

2 = Spherical - Flattened
(L/W ratio > 1.2; L/T ratio < 1.2)

3 = Elongated
(L/T ratio > 1.2; T/W ratio < 1.2)

4 = Elongate - Flattened
(L/T ratio > 1.2; T/W ratio > 1.2)

Seed Coat Color:

1 = Yellow

2 = Green

3 = Brown

4 = Black

5 = Other

(Please Specify)

Seed Coat Luster:

1 = Dull

2 = Shiny

Seed Size:

grams/100 seeds

Hilum Color:

1 = Buff

2 = Yellow

3 = Brown

4 = Gray

5 = Imperfect Black

6 = Black

7 = Other (Please Specify)

SI-470-2 (07-01) designed by the Plant Variety Protection Office with Word 2000. Replaces SI-470-1 (02-99) which is obsolete.

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A. MORPHOLOGY (Continued)

Cotyledon Color:

<input type="text" value="1"/>	1 = Yellow	2 = Green
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Seed Protein Peroxidase Activity:

<input type="text" value="2"/>	1 = Low	2 = High
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Hypocotyl Color:

<input type="text" value="3"/>	1 = Green (Evans' or 'Davis')	2 = Green with Bronze Bands below Cotyledons (Woodworth' or 'Tracy')	3 = Light Purple below Cotyledons (Beaman' or 'Pickett 71')	4 = Dark Purple extending to unifoliate leaves (Hodgson', 'Coker', or
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Leaflet Shape:

<input type="text" value="3"/>	1 = Lanceolate	2 = Oval	3 = Ovate	4 = Other (Please Specify)
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Flower Color:

<input type="text" value="2"/>	1 = White	2 = Purple	3 = White with a Purple Throat
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Pod Color:

<input type="text" value="1"/>	1 = Tan	2 = Brown	3 = Black
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Pubescence Color:

<input type="text" value="1"/>	1 = Gray	2 = Brown (Tawny)	3 = Light Tawny
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Plant Habit:

<input type="text" value="1"/>	1 = Determinate	2 = Semi-Determinate	3 = Indeterminate	4 = Intermediate
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Maturity Group:

<input type="text" value="08"/>	1 = 000	2 = 00	3 = 0	4 = I	5 = II
	6 = III	7 = IV	8 = V	9 = VI	10 = VII
	11 = VIII	12 = IX	13 = X	14 = XI	15 = XII

Maturity Subgroup:

<input type="text" value="8"/>	Please enter a value from 0 - 9
--------------------------------	---------------------------------

B. DISEASE REACTION

0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Bacterial

<input type="text" value="0"/>	Bacterial Pustule (<i>Xanthomonas campestris</i> pv. <i>glycines</i> (Nakano) Dye)
<input type="text" value="1"/>	Bacterial Blight <i>Pseudomonas syringae</i> pv. <i>glycinea</i> (Cooper) Young, Dye, and Wilkie)
<input type="text" value="0"/>	Wildfire Blight <i>Pseudomonas syringae</i> pv. <i>tabaci</i> (Wolf Foster) Young, Dye, Wilkie)

ST-470-2 (07-01) designed by the Plant Variety Protection Office with Word 2000. Replaces ST-470-2 (02-99) which is obsolete.

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B. DISEASE REACTION (Continued) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Fungal

- ☒ 1 Brown Spot (*Septoria glycines* Hemmi)
- ☐ 0 Frogeye Leaf Spot (*Cercospora sojina* Hara)
- ☐ 0 race 1 ☐ 0 race 2 ☐ 0 race 3 ☐ 0 race 4
- ☐ 0 race 5 ☐ 0 race 6 ☐ 0 Other (Please Specify)
- ☐ 0 Target Spot (*Corynespora cassicola* (Berk. Curt.) Wel)
- ☐ 0 Downey Mildew (*Peronospora trifoliorum* var. *manchurica* (Naum.) Syd. ex Glum)
- ☐ 0 Powdery Mildew (*Microsphaera diffusa* Cke. and Pl.)
- ☐ 0 Brown Stem Rot (*Phialophora gregata* (Allington Chamberlain) W. Gams.)
- ☒ 2 Stem Canker (*Diaporthe phaseolorum* (Cke. and Ell.) Sacc. var. *caulivora* Athow and Caldwell)
- ☒ 1 Pod and Stem Blight (*Diaporthe phaseolorum* (Cke. and Ell.) Sacc. var. *sojae* (Lehman) Wehm)
- ☐ 0 Purple Seed Stain (*Cercospora kikuchii* (T. Matsu. and Tomoyasu) Gardener)
- ☒ 1 Rhizoctonia Root Rot (*Rhizoctonia solani* Kühn)

Phytophthora Root Rot (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan Erwin))

- ☐ 0 race 1 ☐ 0 race 8 ☐ 0 race 15 ☐ 0 race 22
- ☐ 0 race 2 ☐ 0 race 9 ☐ 0 race 16 ☐ 0 race 23
- ☒ 1 race 3 ☐ 0 race 10 ☐ 0 race 17 ☐ 0 race 24
- ☐ 0 race 4 ☐ 0 race 11 ☐ 0 race 18 ☒ 1 race 25
- ☐ 0 race 5 ☐ 0 race 12 ☐ 0 race 19 ☐ 0 race 26
- ☐ 0 race 6 ☐ 0 race 13 ☐ 0 race 20 ☐ 0 Other (Please Specify)
- ☒ 1 race 7 ☐ 0 race 14 ☐ 0 race 21
- ☒ 1 Bud Blight (Tobacco Ringspot Virus)
- ☒ 1 Yellow Mosaic (bean Yellow Mosaic Virus)

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B. DISEASE REACTIONS (Continued) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant**Fungal**☒ 1 Cowpea Mosaic (Cowpea Chlorotic Virus)☒ 1 Pod Mottle (Bean Pod Mottle Virus)☒ 1 Seed Mottle (Soybean Mosaic Virus)**Nematode****Soybean Cyst Nematode (*Heterodera glycines* Ichinohe)**☐ 0 race 1 ☐ 0 race 4 ☐ 0 race 9☐ 0 race 2 ☐ 1 race 5 ☐ 0 race 14☐ 2 race 3 ☐ 0 race 6 ☐ Other (Please Specify) ☐ 0 Lance Nematode (*Hoplostaimus columbus* Sher)☐ 0 Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid and White) Chitwo)☐ 0 Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)☐ 0 Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)☐ 0 Reniform Nematode (*Rotylenchus reniformis* Linwood and Oliver)☐ 0 Javanese Nematode (*Meloidogyne javanica* (Treub) Chitwood)☐ Other Nematode (Please Specify) **C. PHYSIOLOGICAL RESPONSES** 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant☒ 1 Iron Chlorosis on Calcareous Soil☐ 0 Phosphorus☐ 0 Boron☐ 0 Aluminum☐ 0 Salt☐ 0 Drought☐ Other (Please Specify)

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D. INSECT REACTIONS

0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Fungal

☐ 0 Mexican Bean Beetle (*Epilachna varivestris* Mulsant)☐ 0 Potato Leaf Hopper (*Empoasca fabae* (Harris))☐ Other (Please Specify) **E. HERBICIDE REACTIONS**

0 = Not Tested 1 = Susceptible 2 = Resistant

☐ 0 Metribuzin☐ 0 Bentazone☐ 1 Sulfonyleurea☐ 2 Glyphosate☐ 0 Glufosinate☐ 0 Pendimethalin☐ Other (Please Specify) **F. TRANSGENIC COMPOSITION**

Has the development of the subject variety included the insertion of genetic material from an organism other than a soybean, or, the removal of genetic material from the application variety? ☒ Yes ☐ No

If yes, please complete the following information requests*. Use additional pages if necessary.

1. Please state the vector's name:
2. Please state the vector components:
3. Please describe the genetic material successfully transferred into the subject variety:
4. Please describe the insertion protocol:

* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form. This section is fully addressed in the following publication. Specific details of the vector components and insert elements are summarized in Figure 1 and Table 1 on page 1453. Padgett, S.R. et al. Development, Identification, and Characterization of a Glyphosate-Tolerant Soybean Line. 1995. Crop Science. 35:1451-

G. BIOCHEMICAL MARKERS

Please describe any biochemical information here, which you believe will be helpful in further describing the subject variety (e.g. Simple Sequences Repeats, Restriction Fragment Length Polymorphisms, Isozyme Characterization). Use additional pages if necessary.

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H. COMMENTS

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Exhibit D. Additional Description of the Variety**Soybean Variety 95M80**

In Exhibit C we have identified variety 95M80 as susceptible to bacterial blight, brown spot, pod and stem blight, rhizoctonia root rot, bud blight, yellow mosaic, cowpea mosaic, pod mottle and seed mottle.

This does not mean that variety 95M80 is any worse for these problems than other varieties of similar maturity. Rather, we do not consider 95M80 to be immune to these problems. Therefore, we have chosen to be conservative and have identified the line as "susceptible".

Variety 95M80 is a late Group 5 variety. If Group 5 varieties are divided into tenths, the relative maturity of 95M80 is 5.8.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

**EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP**

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paper Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Pioneer Hi-Bred International, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	2. VARIETY NAME 95M80
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 7200 N.W. 62nd Avenue P.O. Box 1004 Johnston, IA 50131-1004	5. TELEPHONE (include area code) 515-254-2630	6. FAX (include area code) 515-252-2478
7. PVPO NUMBER 2004 00 074		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block.
If no, please explain.

☐ X YES ☐ NO

9. Is the applicant (individual or company) a U.S. National or a U.S. based company?
If no, give name of country

☐ X YES ☐ NO

10. Is the applicant the original owner? ☐ X YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use the reverse for extra space):

Please Note:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
PO BOX 1000
Johnston, Iowa 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

January 15, 2004

Scientific Description**Depositor's Reference** *Case #***Patent Deposit Designation**

Soybean Seed, Seed Source Z3PCA11015-00-0035 95M80

1817

PTA-5779

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested January 19, 2004 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: January 30, 2004

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